

COPY

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11 MAY -3 PM 3:18
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

EDCV11-0703 VAP (DTBx)
 CASE NO.:

JOSEPH ACOSTA, an individual,

Plaintiff,

vs.

P. SCOTT LOWERY, an individual;
 SCOTT LOWERY LAW OFFICE, P.C.,
 a Colorado professional corporation;
 and DOES 1-10, inclusive,

Defendants.

COMPLAINT FOR

1) VIOLATIONS OF THE FAIR
 DEBT COLLECTION PRACTICES
 ACT;

2) VIOLATIONS OF THE
 ROSENTHAL FAIR DEBT
 COLLECTION PRACTICES ACT;
 AND

3) DECLARATORY RELIEF.

DEMAND FOR JURY TRIAL

I. JURISDICTION AND VENUE.

1. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367. Declaratory relief is available pursuant to 28 U.S.C. §2201 and 2202.

2. Venue in this District is proper in that Plaintiff's claim arose in this District.

II. THE PARTIES.

3. The plaintiff JOSEPH ACOSTA ("Plaintiff") is a natural person who, at all times relevant herein, resided in the City of Rancho Cucamonga, which is located in San Bernardino County, California.

4. Defendant P. SCOTT LOWERY ("LOWERY") is and at all times relevant herein was an individual residing in the State of California, County of Los Angeles.

5. Defendant SCOTT LOWERY LAW OFFICE, P.C. ("SLLO") is and at all times relevant herein was a Colorado professional corporation with its principal place of business located at 4500 Cherry Creek Drive South, Suite 700-710 Denver, CO 80246.

6. The true names and capacities, whether individual, corporate, associate or otherwise, of the defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues such defendants by such fictitious names. Plaintiff will amend this complaint to show the true names and capacities of such defendants when they have been ascertained. Plaintiff is informed and believes that each of the defendants designated herein as a DOE was in some manner responsible for the occurrences and injuries alleged herein.

7. At all times mentioned herein, each of the defendants was the agent and employee of the other named defendants, and in doing the things alleged were acting within the course and scope of such agency and employment, and in doing the acts herein alleged were acting with the consent, permission and authorization of the remaining defendants. All actions of each of the defendants were ratified and approved by the other named defendants.

8. Defendants LOWERY and SLLO are debt collectors, as defined by the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6). SLLO's website proclaims, "This law firm is a debt collector engaged in the collection of consumer debts."

III. FACTUAL ALLEGATIONS.

9. Plaintiff, who is not a minor, obtained a \$500.00 loan for personal, family and household use. After making several payments, Plaintiff's defaulted on the loan due to a steep reduction in his work hours.

10. The original creditor – or an assignee who acquired the right to collect the debt – turned over the account to LOWERY and SLLO for collection. Upon information and belief, the defendants were authorized by their client to take a certain percentage of whatever was recovered from Plaintiff.

11. On or around February 12, 2011, Plaintiff received a call from an employee of defendants using the name or pseudonym "Brooke Lopez." Ms. Lopez asserted that Plaintiff owed a debt of more than one thousand dollars. Although Plaintiff expressly disputed the accuracy of this claim, Ms. Lopez demanded to know from Plaintiff whether he was going to pay this "voluntarily, or involuntarily." At the time that Ms. Lopez asked this question, no judgment had been rendered by any court on the alleged debt.

12. Plaintiff was transferred to Ms. Lopez' supervisor at SLLO. This supervisor indicated to Plaintiff that his company – SLLO – had reviewed Plaintiff's credit report and discovered that he was making car payments every moth. The supervisor threatened Plaintiff that his company could repossess Plaintiff's car. At the time this threat was made, it was false, inasmuch as the original loan was unsecured, and no judgment had been issued against Plaintiff.

13. Additionally, the supervisor at SLLO told Plaintiff that his company would contact the bank which Plaintiff was making car payments to, and inform the bank's personnel about the outstanding debt.

14. Further, the supervisor told Plaintiff that if he did not make arrangements to pay off the debt by Friday, April 15, 2011, a lawsuit would be filed immediately. At the time this threat was made, the defendants had no present intent to actually file suit.

1 15. Further, Defendants failed to provide Plaintiff with written notice of his
2 right to request validation of the debt, as required under 15 U.S.C. §1692g.

3 16. LOWERY, SLLO and DOES 1-5, added to the amounts they attempted to
4 collect from Plaintiff fees and/or penalties not expressly authorized by law or by any
5 agreement with Plaintiff, and attempted to collect such unauthorized fees and/ or
6 penalties. Such fees amounted to unlawful interest under applicable Federal and
7 state law.

8
9 **FIRST CLAIM FOR RELIEF**

10 (For Violations of the FDCPA Against LOWERY , SLLO, and DOES 1 through 5,
11 inclusive)

12 17. Plaintiff repeats and reincorporates by reference the paragraphs 1 through
13 16 above.

14 18. Defendants, and each of them, violated the FDCPA. Defendants'
15 violations include, but are not limited to, the following:

16 a) Representing or implying that nonpayment of the alleged debt would result
17 in the seizure, garnishment, attachment, or sale of Plaintiff's car, when such action
18 would have been unlawful, and when defendants did not actually intend to take such
19 action, in violation of 15 U.S.C. §1692e subparagraphs (4) and/or (5);

20 b) Threatening the immanent filing of a lawsuit when such a filing was not
21 intended, in violation of 15 U.S.C. §1692e(5);

22 c) Threatening to contact the bank handling Plaintiff's automobile loan to
23 communicate credit information which defendants knew to be false, in violation of
24 15 U.S.C. §1692e(8);

25 d) Failing to provide written notice of Plaintiffs' right to verification of the
26 debt, in violation of 15 U.S.C. §1692g(a);

27 e) Using false representations and deceptive means to collect or attempt to
28 collect a debt, in violation of 15 U.S.C. §1692e(10);

1 f) Using unfair and/or unconscionable means to collect an alleged debt, in
2 violation of 15 U.S.C. §1692f;

3 g) Attempting to collect an amount (including any interest, fee, charge, or
4 expense incidental to the principal obligation) not expressly authorized by the
5 agreement creating the purported debt or permitted by law, in violation of 15 U.S.C.
6 §1992f(1).

7 19. As a result of the above violations of the FDCPA, Defendants, and each of
8 them, are liable to Plaintiff for declaratory judgment that defendants' conduct
9 violated the FDCPA, and Plaintiff's actual damages, statutory damages, costs and
10 attorney's fees.

11 12 **SECOND CLAIM FOR RELIEF**

13 (For Violations of the Rosenthal Act Against SLLO, and DOES 1 through 5,
14 inclusive)

15 20. Plaintiff repeats and reincorporates by reference the paragraphs 1 through
16 16 above.

17 21. Defendants, and each of them, knowingly and wilfully violated
18 California's Rosenthal Fair Debt Collection Practices Act (hereinafter the "Rosenthal
19 Act"). Defendants' violations include, but are not limited to, the following acts
20 performed in attempting to collect a consumer debt:

21 a) Representing or implying that nonpayment of the alleged debt would result
22 in the seizure, garnishment, attachment, or sale of Plaintiff's car, when such action
23 would have been unlawful, and when defendants did not actually intend to take such
24 action, in violation of 15 U.S.C. §1692e subparagraphs (4) and/or (5), and California
25 Civil Code section 1788.17;

26 b) Threatening the immanent filing of a lawsuit when such a filing was not
27 intended, in violation of 15 U.S.C. §1692e(5), and California Civil Code section
28 1788.17;

1 c) Threatening to contact the bank handling Plaintiff's automobile loan to
2 communicate credit information which defendants knew to be false, in violation of
3 15 U.S.C. §1692e(8), and California Civil Code section 1788.17;

4 d) Failing to provide written notice of Plaintiffs' right to verification of the
5 debt, in violation of 15 U.S.C. §1692g(a), and California Civil Code section
6 1788.17;

7 e) Using false representations and deceptive means to collect or attempt to
8 collect a debt, in violation of 15 U.S.C. §1692e(10), and California Civil Code
9 section 1788.17;

10 f) Using unfair and/or unconscionable means to collect an alleged debt, in
11 violation of 15 U.S.C. §1692f, and California Civil Code section 1788.17; and

12 g) Attempting to collect an amount (including any interest, fee, charge, or
13 expense incidental to the principal obligation) not expressly authorized by the
14 agreement creating the purported debt or permitted by law, in violation of 15 U.S.C.
15 §1992f(1), and California Civil Code section 1788.17.

16 22. As a result of defendants' violations of the Rosenthal Act, pursuant to
17 Civil Code section 1788.30, Plaintiff is entitled to actual damages, statutory
18 damages, attorney's fees and costs.

19
20 **THIRD CAUSE OF ACTION**

21 (For Declaratory Relief Against LOWERY, SLLO and DOES 1 through 5,
22 inclusive)

23 23. Plaintiff repeats and reincorporates by reference the paragraphs 1 through
24 22 above.

25 24. An actual and existing controversy now exists between the parties hereto,
26 in that Plaintiff contends that the actions of LOWERY, SLLO, and DOES 1-5,
27 inclusive, constituted willful violations of the Fair Debt Collection Practices Act
28 and/or the Rosenthal Fair Debt Collection Practices Act, while conversely, those

1 defendants contend that their actions are consistent with all applicable laws
2 governing collection agencies.

3 25. A judicial declaration that the conduct of defendants LOWERY, SLLO
4 and DOES 1-5 violated applicable statutes is now just and appropriate.

5
6 WHEREFORE, Plaintiff requests that judgment be entered in his favor against
7 the defendants as follows:

8 1. Statutory damages, pursuant to 15 U.S.C. section 1692k(a)(2) and/or Civil
9 Code section 1788.30(b);

10 2. Actual damages, pursuant to 15 U.S.C. section 1692k(a)(1) and/or Civil
11 Code section 1788.30(a);

12 3. Costs and reasonable attorney's fees, pursuant to 15 U.S.C. section
13 1692k(a)(3), and/or Civil Code section 1788.30(c) and/or Code of Civil Procedure
14 section 490.020.

15 4. General damages, in an amount subject to proof at trial;

16 5. Declaratory relief; and

17 6. Such other and further relief as the Court deems just and proper.

18
19 PLEASE TAKE NOTICE that Plaintiff JOSEPH ACOSTA requests a trial by
20 jury.

21
22 DATED: May 2, 2011

Respectfully submitted,

23
24 By: 

Aidan W. Butler
Attorney for Plaintiff
JOSEPH ACOSTA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

EDCV11- 703 VAP (DTBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☒ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

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 Attorney at Law
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 Los Angeles, CA 90010
 Tel. (213) 388-5168; fax (213) 388-5178
 tocontactaidan@gmail.com

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH ACOSTA, an individual,

PLAINTIFF(S)

v.

P. SCOTT LOWERY, an individual; SCOTT
 LOWERY LAW OFFICE, P.C., a Colorado
 professional corporation; and DOES 1-10, inclusive,
 DEFENDANT(S).

CASE NUMBER

EDCV11-0703

VAP (DTBx)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Aidan W. Butler, whose address is 3550 Wilshire Blvd. Suite 1924, Los Angeles, CA 90010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY - 3 2011

Dated: _____

Clerk, U.S. District Court

CHRISTOPHER POWERS

By: _____
 Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JOSEPH ACOSTA, an individual,		DEFENDANTS P. SCOTT LOWERY, an individual; SCOTT LOWERY LAW OFFICE, P.C., a Colorado professional corporation; and DOES 1-10, inclusive,	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Aidan W. Butler (SBN 208399) 3550 Wilshire Blvd. Suite 1924, Los Angeles, CA 90010 Tel. (213) 388-5168; fax (213) 388-5178, Email: tocontactaidan@gmail.com		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:45%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ No amount specified

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Violations of the Fair Debt Collection Practices Act - 15 U.S.C. 1692 et seq.					
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VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

EDCV11-0703

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Colorado

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date** May 2, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))